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09/834,385	04/13/2001	David Carrel	4906.P024	3447

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EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/834,385

Applicant(s)

CARREL ET AL.

Examiner

Ramy M Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892).
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

1. This communication is responsive to the amendment filed on November 9, 2004.  
Applicant amended claims 1,5,6,8,10,11,15,17 and 18. No claims were cancelled. New claims 22-30 have been added. Claims 1-30 are pending.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1 and 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "to insert a route" is unclear. It is not clear how a route can be inserted to a server. This type of terminology is not known in the art. For the purpose of examination, the examiner will interpret "insert a route" to mean establishing a connection.
4. Claims 1 and 18 recite the limitation "the one of the plurality" in line 8. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel (US Patent No 6,850,982) in view of Chiles et al (US Patent Publication No 2001/0036192).**

7. In reference to claims 1,15,18 and 28-30, Siegel teaches a machine readable medium, an apparatus, a method and a corresponding network environment comprising:

Siegel teaches establishing a session between a host and an remote access concentrator (column 6 lines 45-67, Siegel teaches a content switch which performs the same functionality as the remote access concentrator of the instant invention, and is interpreted as a remote access concentrator because it is located remotely and is a point of access.).

Siegel fails to explicitly teach where the session is a data link layer session. However, Chiles teaches a PPPoE session (which is a data link layer session) through a gateway which contains a PPPoE access concentrator for the purpose of tunneling communications over Ethernet connection (paragraphs 0008,0009,0045,0061 and 0062).

Therefore, it would have been obvious for one of ordinary skill in the art to modify Siegel by calling the content switch a remote access concentrator and by making the session data link layer session as per the teachings of Chiles for the purpose of tunneling communications over Ethernet connection.

determining a set of network layer information corresponding to the session (column 2 lines 20-40 and column 6 lines 35-55); and

applying the set of network layer information to the host at the data link layer to insert a route to the one of a plurality of content servers identified by the set of network layer information (column 7 lines 1-25 & 35-45, Siegel discloses that network information is applied to the host packet).

8. In reference to claims 2,16 and 19, Siegel teaches claims 1,15 and 18 respectively. Siegel fails to explicitly teach wherein the session is Point-to-Point Protocol over Ethernet. However, Chiles teaches establishing a PPPoE session through a gateway which contains a PPPoE access concentrator for the purpose of tunneling communications over Ethernet connection (paragraphs 0008,0009,0045,0061 and 0062).

It would have been obvious for one of ordinary skill in the art to modify Siegel by making the session a PPPoE session as per the teachings of Chiles for the purpose of tunneling communications over Ethernet connection.

9. In reference to claims 3,17 and 20, Siegel teaches claims 1,15 and 18 respectively, further comprising:

establishing a second session at the data link layer between the host and the remote access concentrator (column 2 lines 1-15 & 25-50);

determining a second set of network layer information corresponding to the second session (column 2 lines 1-15 and column 10 lines 15-65); and

applying the second set of network layer information to the host at the data link layer (column 10 lines 15-65).

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10. In reference to claims 4 and 21, Siegel teaches claims 1 and 18 respectively, further comprising:

establishing a second session at the data link layer between the host and the remote access concentrator (column 3 lines 5-60);

determining a second set of network layer information corresponding to the second session (column 3 lines 5-60); and

applying the second set of network layer information to the host at the data link layer (column 3 lines 5-60).

11. In reference to claim 8, Siegel teaches a machine readable medium that provides instructions, which when executed by a set of processors, cause said set of processors to perform operations comprising:

establishing a communications session between a host and a remote access concentrator under a first of a plurality of accounts (column 6 lines 45-67)

retrieving a set of network layer information corresponding to the first account (column 2 lines 20-40 and column 6 lines 35-55);

creating a message having the set of network layer information within a data link layer of the message (column 9 lines 35-37 and figure 3a);

transmitting the message from the remote access concentrator to the host (column 9 lines 34-37, 47-52 & 61-65);

extracting the set of network layer information from the message at the data link layer (column 8 lines 1-20 and claim 1); and

applying the set of network layer information to the host (column 8 lines 1-20 and claim 1).

12. In reference to claim 9, Siegel teaches claim 8. Siegel fails to explicitly teach wherein the session is Point-to-Point Protocol over Ethernet. However, Chiles teaches establishing a PPPoE session through a gateway which contains a PPPoE access concentrator for the purpose of tunneling communications over Ethernet connection (paragraphs 0008,0009,0045,0061 and 0062).

It would have been obvious for one of ordinary skill in the art to modify Siegel by making the session a PPPoE session as per the teachings of Chiles for the purpose of tunneling communications over Ethernet connection.

13. In reference to claim 10, Siegel teaches claim 8 further comprising:

establishing a second communications session between the host and the remote access concentrator under a second of the plurality of accounts without terminating the first communication session (column 2 lines 1-15 & 25-50, column 17 lines 10-14 and figure 3b);

establishing a second set of network layer information, the second set of network information corresponding to the second account (column 2 lines 1-15 & 25-50, column 17 lines 10-14 and figure 3b);

creating a second message having the second set of network layer information within a data link layer of the message; transmitting the second message from the concentrator to the host; extracting the second set of network layer information from the second message; and applying the second set of information to the host (column 10 lines 5-55 and figure 3b).

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14. In reference to claims 12,22 and 25-27, Siegel teaches a machine readable medium that provides instructions, which when executed by a set of processors, cause said set of processors to perform operations, and a corresponding method comprising:

establishing a Point to Point Protocol over Ethernet (PPPoE) session between a host to a remote access concentrator, the PPPoE session being associated to an account (column 6 lines 45-67);

Siegel fails to explicitly teach wherein the session is Point-to-Point Protocol over Ethernet. However, Chiles teaches establishing a PPPoE session through a gateway which contains a PPPoE access concentrator for the purpose of tunneling communications over Ethernet connection (paragraphs 0008,0009,0045,0061 and 0062).

It would have been obvious for one of ordinary skill in the art to modify Siegel by making the session a PPPoE session as per the teachings of Chiles for the purpose of tunneling communications over Ethernet connection.

determining a set of network information corresponding to the account in the PPPoE session (column 2 lines 20-40 and column 6 lines 35-55); and

applying the set of network information to the host (column 7 lines 1-25 & 35-45).

15. In reference to claims 13,23 and 24, Siegel teaches claims 12 and 22 respectively further comprising:

establishing a second PPPoE session between the host and the remote access concentrator, the second session being associated with a second account (column 2 lines 1-15 & 25-50 and column 17 lines 10-14).



determining a set of network information corresponding to the second account (column 2 lines 20-40 and column 6 lines 35-55); and

applying the second set of network information to the host in the PPPoE session (column 7 lines 1-25 & 35-45).

**16. Claims 5-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel (US Patent No 6,850,982) in view of Chiles et al (US Patent Publication No 2001/0036192) in further view of Araujo et al (US Patent No 6,112,245).**

17. In reference to claim 5, Siegel teaches a machine readable medium that provides instructions, which when executed by a set of processors, cause said set of processors to perform operations comprising:

Siegel teaches establishing a session between a host and a content switch (column 6 lines 45-67)

Siegel fails to explicitly teach where the session is a data link layer session, and where it is between a host and a remote access concentrator. The content switch of Siegel performs the same functionality as the remote access concentrator of the instant invention, and is interpreted as a remote access concentrator because it is located remotely and is a point of access. However, Chiles teaches a PPPoE session (which is a data link layer session) through a gateway which contains a PPPoE access concentrator for the purpose of tunneling communications over Ethernet connection (paragraphs 0008,0009,0045,0061 and 0062).

Therefore, it would have been obvious for one of ordinary skill in the art to modify Siegel by calling the content switch a remote access concentrator and by making the session data link

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layer session as per the teachings of Chiles for the purpose of tunneling communications over Ethernet connection.

determining a first set of network layer information corresponding to the session (column 2 lines 20-40 and column 6 lines 35-55);

establishing a second session with the data link layer protocol between the host and a remote access concentrator without terminating the first session (column 2 lines 1-15 & 25-50 and column 17 lines 10-14). Siegel fails to explicitly teach where the second session is established with a second concentrator. However, Araujo teaches that establishing a second session with a second concentrator is an obvious variation of establishing a second session with the same concentrator. It is well known in the art that multiple concentrators can be provided for establishing multiple sessions (column 5 lines 40-67 and claims 1 & 8).

Therefore, it would have been obvious for one having ordinary skill in the art to modify Siegel by making the second session established with a second concentrator as per the teachings of Araujo because multiple concentrators can be provided for establishing multiple sessions.

determining a second set of network layer information for the second session (column 2 lines 1-15 and column 10 lines 15-65).

18. In reference to claim 6, Siegel teaches claim 5 wherein the second remote access concentrator is the first remote access concentrator (figures 3a & 3b).

19. In reference to claim 7, Siegel teaches claim 5. Siegel fails to explicitly teach wherein the session is Point-to-Point Protocol over Ethernet. However, Chiles teaches establishing a PPPoE session through a gateway which contains a PPPoE access concentrator for the purpose of

tunneling communications over Ethernet connection (paragraphs 0008,0009,0045,0061 and 0062).

It would have been obvious for one of ordinary skill in the art to modify Siegel by making the session a PPPoE session as per the teachings of Chiles for the purpose of tunneling communications over Ethernet connection.

20. In reference to claim 11, Siegel teaches claim 8 further comprising:

establishing a second session with the data link layer protocol between the host and a remote access concentrator without terminating the first session (column 2 lines 1-15 & 25-50 and column 17 lines 10-14). Siegel fails to explicitly teach where the second session is established with a second concentrator. However, Araujo teaches that establishing a second session with a second concentrator is an obvious variation of establishing a second session with the same concentrator. It is well known in the art that multiple concentrators can be provided for establishing multiple sessions (column 5 lines 40-67 and claims 1 & 8).

Therefore, it would have been obvious for one having ordinary skill in the art to modify Siegel by making the second session established with a second concentrator as per the teachings of Araujo because multiple concentrators can be provided for establishing multiple sessions.

transmitting the second message from the concentrator to the host; extracting the second set of network layer information from the second message; and applying the second set of information to the host (column 10 lines 5-55 and figure 3b).

21. In reference to claim 14, Siegel teaches claim 12 further comprising:

establishing a second PPPoE session between the host and a remote access concentrator, the second session being associated with a second account (column 2 lines 1-15 & 25-50 and

column 17 lines 10-14). Siegel fails to explicitly teach where the second session is established with a second concentrator. However, Araujo teaches that establishing a second session with a second concentrator is an obvious variation of establishing a second session with the same concentrator. It is well known in the art that multiple concentrators can be provided for establishing multiple sessions (column 5 lines 40-67 and claims 1 & 8).

Therefore, it would have been obvious for one having ordinary skill in the art to modify Siegel by making the second session established with a second concentrator as per the teachings of Araujo because multiple concentrators can be provided for establishing multiple sessions.

determining a set of network information corresponding to the second account (column 2 lines 20-40 and column 6 lines 35-55); and

applying the second set of network information to the host in the PPPoE session (column 7 lines 1-25 & 35-45).

#### ***Response to Amendment***

22. Examiner acknowledges the amendment filed on November 9, 2004. Applicant amended claims 1,5,6,8,10,11,15,17 and 18. No claims were cancelled. New claims 22-30 have been added.

#### ***Response to Arguments***

23. Applicant's arguments filed 11/9/2004 have been fully considered but they are moot in view of the new grounds for rejection.

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO

March 2, 2005

  
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